

An Internalized Spectator: Judgment in Arendt's Kant *Lectures*

by

Alex Zhang

Department of Political Science
Duke University

Date: _____

Approved

Jack Knight, Supervisor

Michael Gillespie

Gent Carrabregu

Thesis submitted in partial fulfillment of
the requirements for the degree of
Master of Arts in the Department of
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ABSTRACT

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Abstract

In this paper I revisit a perplexing question about Arendt's theory of judgment: what is the relationship between the normative function of judgment and the perspective of the *vita contemplativa* in her *Kant Lectures*. *Pace* the scholars who conceive the perspective of the *vita contemplativa* as a perspective irrelevant to guiding our activities and appraisal, I suppose that the perspective of the *vita contemplativa* is intrinsic to Arendt's project to study the normative function of judgment. I will argue that Arendt's quest for intersubjectivity is not adequate if it is not completed by a robust criterion to tell the justified right to demand universal assent from the spurious ones. Therefore, she has to find a perspective with reference to which this condition could be specified. Now the perspective of the *vita contemplativa* plays this role.

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I. Introduction

Jürgen Habermas, in his influential paper *Hannah Arendt's Communications Concept of Power* reconstructs Arendt's thoughts on power-formation. He argues that for Hannah Arendt, political power is generated through "the formation of a common will in a communication directed to reaching agreement".¹ However, Habermas contends that Arendt's theory is inadequate in that there is no criterion "to distinguish between illusionary and nonillusionary convictions".²

In this article Habermas does not refer to Arendt's theory of judgment, whereas Habermas later admits that Arendt's appropriation of Kant's theory of judgment can be regarded as her first approach to communicative rationality.³ Habermas's opinion that Arendt's appropriation of judgment has the potential to be the basis of a robust normative political ethics is shared by many scholars,⁴ who attempt to develop a normative theory of political ethics for public deliberation based on Arendt's work with emphasis on intersubjectivity and sensitivity to particular situations.⁵

Though the effort to develop a normative theory of political ethics has been successful and fruitful, there is a perplexing problem in Arendt's work that may call this enterprise into question. Arendt begins to present her thoughts on judgment early in her career, and she keeps revisiting the same topic and the same passages in Kant's *Critique of the Power of Judgment* throughout her life. However, though her early thoughts on Kant's notion of judgment explicitly indicates her interest in judgment as a capacity which guides our activity and appraisal, it is not clear whether Arendt still conceives judgment in this way in her later works. Ronald Beiner argues that since 1970, when Arendt's *Lectures on Kant's Political Philosophy* (*Lectures* hereinafter) are delivered, she

¹ Jürgen Habermas, "Hannah Arendt's Communications Concept of Power", *Social Research*, vol.44, no.1 (Spring 1977), pp. 3-24, quotation from p. 4.

² *Ibid.*, p. 22.

³ Jürgen Habermas, "On The German-Jewish Heritage", *Telos*, vol. 44 (1980), pp. 127-131, quotation from p. 130.

⁴ Except for a few scholars who take Arendt's theory of judgment as an extension of her aestheticization of action. See George Kateb, "The Judgment of Arendt", in *Patriotism and Other Mistakes* (Yale University Press, 2006), pp. 150-168; also, Dana Villa, "Beyond Good and Evil: Arendt, Nietzsche, and the Aestheticization of Political Action", *Political Theory*, vol. 20, no. 2 (May 1992), pp. 274-308. Though Dana Villa argues that Arendt's thought on judgment is designed to tame the aesthetic view of politics, judgment is still understood within the horizon of the aestheticization of political action.

⁵ To name the most admirable works following this approach: Seyla Benhabib argues that Arendt's theory of judgment can be conceived as a possible reconciliation between Kantian moral universalism and Aristotelian intersubjective-particularist validity. Linda Zerilli argues that Arendt has a robust notion of validity for political judgment even though validity is not the most important problem for judgment; in her recent work, Zerilli brings in the resources of Wittgenstein's philosophy to further investigate the Arendtian theme of intersubjective-particularist validity. Seyla Benhabib, "Judgment and the Moral Foundations of Politics in Arendt's Thought", *Political Theory*, vol. 16, no. 1 (Feb. 1988), pp. 29-51; Linda M. G. Zerilli, "'We Feel Our Freedom': Imagination and Judgment in the Thought of Hannah Arendt", *Political Theory*, vol. 33, no. 2 (Apr. 2005), pp. 158-188; Linda M. G. Zerilli, *A Democratic Theory of Judgment* (The University of Chicago Press, 2016), esp. pp. 1-40.

views judgment from the perspective of the *vita contemplativa* as opposed to the perspective of the *vita activa*.⁶ In the context of Arendt's *Lectures*, the perspective of the *vita contemplativa* is adopted by a spectator who is detached from direct involvement in actions, whereas the perspective of the *vita activa* is adopted when an actor directly engages in the political activities.⁷ But if the position to judge is reserved for a spectator who is detached from political involvement, it is doubtful whether Arendt's theory of judgment in *Lectures* is practically relevant.⁸ Scholars who try to develop a normative theory of political ethics tend to ignore this unhappy ambiguity. But this is a question worthy of serious consideration because, on the one hand, our answer to this question will determine whether the enterprise to reconstruct a theory of political ethics in Arendt's work still accords with Arendt's own train of thought, and on the other hand, our answer to this question will determine how a possible theory based on Arendt's thought will look like if the enterprise to reconstruct a theory of political ethics is ever justified.

Arendt indicates in her *One/Thinking of The Life of the Mind* (*Thinking* hereinafter) that her investigation of mental faculties is partially motivated by the Eichmann Trial, in which she finds that Eichmann's deeds root in his thoughtlessness.⁹ And she explicitly indicates that the capacity to judge, when liberated by the thinking process, is in charge of telling right from wrong.¹⁰ We may expect that when Arendt writes her later works she has in mind the normative function of judgment, by means of which we can tell right from wrong and regulate our activity and appraisal. But at the same time, Arendt tells us that the perspective of the *vita contemplativa* is the necessary

⁶ Ronald Beiner, "Interpretive Essay", in Hannah Arendt, *Lectures on Kant's Political Philosophy*, ed. Ronald Beiner (The University of Chicago Press, 1992), p. 91. See also Richard J. Bernstein, "Judging – The Actor and the Spectator", in *Philosophical Profiles: Essays in a Pragmatic Mode* (University of Pennsylvania Press, 1986), pp. 221-237.

⁷ That is to say, it is not decided by the presence or the absence of mental activities. See my quotations *infra*.

⁸ This stance is attacked by many scholars who suppose that it is not necessary to exaggerate the tension. See Dianna Taylor, "Hannah Arendt on Judgment: Thinking for Politics", *International Journal of Philosophical Studies*, vol. 10, no. 2 (2002) pp. 151-169; Maurizio Passerin d'Entrèves, "'To Think Representatively': Arendt on Judgment and the Imagination", *Philosophical Papers*, vol. 35, no. 3 (2006), pp. 367-385; David L. Marshall, "The Origin and Character of Hannah Arendt's Theory of Judgment", *Political Theory*, vol. 38, no. 3 (Apr. 2010), pp. 367-393; and Annelies Degryse, "Sensus Communis as a Foundation for Men as Political Being: Arendt's Reading of Kant's Critique of Judgment", *Philosophy and Social Criticism*, vol. 37, no. 3 (2011), pp. 345-358. The most interesting piece in this line is Marshall's historical analysis. Marshall argues that Arendt's theory of judgment is unitary since the two perspectives are unified in her early notes. But it is not clear how much this historical investigation proves. I will show that the distinction between the perspective of the *vita activa* and the *vita contemplativa* is alive to Arendt only when she begins to investigate the life of the mind as a whole in 1970s. Therefore, even if Marshall is right, the fact that Arendt holds a unitary view about judgment in an early stage still does not suggest that she still does so later.

⁹ Hannah Arendt, *One/Thinking*, in *The Life of the Mind* (A Harvest Book, 1978), pp. 3-6.

¹⁰ *Ibid.*, p. 193. See also Bernstein, "Judging – The Actor and the Spectator", pp. 231-234.

condition for judgment, since one can be *impartial* only when one neither has a part to play nor a stake to lose in the action: “The spectator is impartial by definition – no part is assigned him. Hence, withdrawal from direct involvement to a standpoint outside the game is a condition *sine qua non* of all judgment. ... The standard is the spectator. And this standard is autonomous.”¹¹ However, if judgment is exercised only when the spectator is detached from activity, how is it possible that judgment can be normative in regulating one’s activity with reference to right and wrong?

If judgment does not play a normative role, to which goal is judgment oriented? Scholars who take seriously the perspective of the *vita contemplativa* argue that Arendt in her later works begins to identify the “ontological function” of judgment as opposed to its normative function. They explain that Arendt now regards judgment as a capacity by means of which a spectator affirms the meaning of the world and reclaims the dignity of human beings.¹² Sometimes the ontological significance and the normative significance overlaps, in which case a spectator asserts the ontological significance of an action because that is the right course of action. However, sometimes the ontological significance of the action is not determined by its rightness. For instance, Arendt sings high praise for Pericles’ Funeral Oration, according to which the meaning of an action lies solely in its greatness regardless of the question of whether it meets the moral standard.¹³ In this case, the ontological significance of an action is independent of the moral character of an action. Therefore, by dissociating the normative significance from judgment and suggesting instead that Arendt focuses on the ontological function of judgment, scholars are free from the burden of explaining the tension between the normative function of judgment and the perspective of the *vita contemplativa*: if Arendt’s theory of judgment in *Lectures* is not designed for normative purposes, there is no longer a tension at all.

Now we have seen two different approaches to interpreting Arendt’s theory of judgment in contemporary literature. If we want to investigate the normative function of judgment, we had

¹¹ Hannah Arendt, *Lectures on Kant’s Political Philosophy*, ed. Ronald Beiner (The University of Chicago Press, 1992), p. 55.

¹² See Beiner, “Interpretive Essay”, pp. 130-1, and pp. 144-156; Majid Yar, “From Actor to Spectator: Hannah Arendt’s ‘Two Theories’ of Political Judgment”, *Philosophy and Social Criticism*, vol. 20, no. 2 (2000), p. 18 ff. See also Bernstein, “Judging – The Actor and the Spectator”, p. 233 ff., though Bernstein refuses to say that Arendt in her later theory has in mind a consistent view of the ontological function of judgment.

¹³ Hannah Arendt, *The Human Condition* (The University of Chicago Press, 2018), p. 205.

better neglect Arendt's emphasis on the perspective of the *vita contemplativa*. On the other hand, if we want to take the perspective of the *vita contemplativa* seriously, we are forced to abandon our project of studying the normative function of judgment.

In this paper, however, I will defend a reading of Arendt's theory of judgment in her *Lectures* according to which the perspective of the *vita contemplativa* is intrinsic to her study of the normative function of judgment. *Pace* the scholars who investigate the ontological function of judgment from the perspective of the *vita contemplativa*, I suppose that though judgment is viewed from the perspective of the *vita contemplativa*, judgment is still a faculty that is practical and normative whereby people are able to tell right from wrong. *Pace* the scholars who investigate the normative function of judgment from the perspective of the *vita activa*, I suppose that the perspective of the *vita contemplativa* is also decisive to Arendt's project of studying the normative functions of mental faculties.

In the next section, I will display the textual evidence supporting my claim that Arendt indeed investigates the normative function of judgment from the perspective of the *vita contemplativa* in her later works, including *Lectures*. Then I will start from the assumption that Arendt attempts to defend a normative theory of political ethics; I will ultimately show that Arendt is able to complete her theory only if she takes the perspective of the *vita contemplativa* seriously. In the third section, I will argue that Arendt attempts to defend the significance of intersubjectivity based on Kant's theory of judgment of taste. Though Arendt's reconstruction is promising, it cannot be adequate if she does not specify the condition in which one has a genuine right to demand universal assent. In the fourth section, I will show that Arendt is able to complete her theory if she gives substance to her notion of impartiality by teasing out the ethical implications peculiar to the perspective of the *vita contemplativa*. I will then conclude by explaining that Arendt's theory of judgment is intricate and inspiring, and it contributes significantly to our understanding of intersubjectivity and normativity.

II. The Combination of Normative Function of Judgment and the *Vita Contemplativa*

In this section I will substantiate my claim that Arendt indeed investigates the normative function of judgment from the perspective of the *vita contemplativa* in her later works. However, this curious combination is not present in her early works; only in her later study does Arendt begin to associate the normative function of judgment and the perspective of the *vita contemplativa* together.

In the Postscriptum of *Thinking*, Arendt draws an outline for the next two volumes of her *The Life of the Mind*. Arendt indicates that in the volume on judging she will contrast the modern theory of history against its ancient counterpart: the Homeric concept of history and judge.¹⁴ The idea that a Homeric historian/poet stands for the ideal of an impartial judge appears early in Arendt's work,¹⁵ but the activity of a Homeric historian/poet is primarily conceived as a mode of work, and therefore, grouped under the head of the *vita activa* rather than the *vita contemplativa*.¹⁶

Arendt begins to develop a serious theory of judgment in her *The Crisis in Culture*. Here Arendt investigates the autonomous contribution of judgment in virtue of its capacity to secure the durability of a common world apart from its ancillary contribution to political action.¹⁷ In contrast to her early presentation where she focuses exclusively on the artists who fabricate the artwork, she now lays greater emphasis upon the judgment that is exercised by the citizens in a community. Since a judge is now conceived not exclusively as a *homo faber*, but also as a spectator/critic,¹⁸ there is greater conceptual space to locate the role of judgment whereby a shift of emphasis toward the significance of the perspective of the *vita contemplativa* could be made.

¹⁴ Arendt, *Thinking*, p. 216.

¹⁵ See Arendt, *The Concept of History: Ancient and Modern*, pp. 51-52.

¹⁶ In *The Human Condition*, Arendt investigates the activity of a Homeric historian/poet from the perspective of the *vita activa*. She conceives the activity of a Homeric historian/poet as a mode of work (though, of course, the historian/poet has to exercise her intelligence in her work) under the head of the *vita activa*. Therefore, the contrast between the historian/poet and the political actor is conceived as a contrast within the category of the *vita activa*, rather than one between the *vita activa* and the *vita contemplativa*. However, though the activity of a Homeric historian/poet has been thematized, Arendt does not attempt to develop a serious theory of judgment. First, Arendt does not investigate the autonomous significance of the activity of a Homeric historian/judge. Instead, Arendt primarily investigates the ancillary contribution that a Homeric historian/poet makes to the political actors: the poets tell the stories for the political actors, discover the underlying meaning and unity in the stories and secure the eternal fame for the political actors by story-telling. Moreover, the normative question about right and wrong is not explicitly raised: the speech of the actor is not primarily understood as a component of rational public deliberation, but as a mode of action through which the agent discloses herself as a unique person; the significance of the historian/poet primarily lies in her service to the political action, rather than in her ability to tell right from wrong. See Arendt, *The Human Condition*, p. 169, pp. 175-181, p. 192, and p. 197.

¹⁷ Hannah Arendt, *The Crisis in Culture: Its Social and Its Political Significance*, in *Between Past and Future* (Penguin Books, 2006), p. 208 ff.

¹⁸ *Ibid.*, pp. 215-216.

Most of the important Kantian topics - disinterestedness, enlarged mentality, common sense, and intersubjective validity - which become central to Arendt's *Lectures* are already presented in *The Crisis in Culture*.¹⁹ However, though Arendt begins to associate judgment with the capacity exercised by the spectator, this capacity in the last analysis only constitutes one aspect of the actor's political life, by means of which the actor participates in the political activities. What is striking in this essay is the tendency to merge the capacity to judge with the deliberative faculty which citizens exercise in their public deliberation toward a prudent decision. Defined in this way, judgment is immanent in the *vita activa*: judgment is exercised directly in public activities as a mental faculty related to prudential decisions.²⁰ Thus, judgment is not conceived as a faculty exercised by someone detached from action. Arendt's theory of judgment at this stage is already laden with considerations about normativity. But as we shall see later, this conception of normativity is still not exactly the same as the one found in her *Lectures*: the main constituents of her later theory are already there; whereas Arendt in her later works reinterprets them in a new light.

Arendt moves further away from associating judgment with the *vita activa* in her *Truth and Politics*, which is written after the controversies caused by her report on the Eichmann Trial. However, the price she pays for this advance is that she proposes two theories of judgment instead of one unitary theory, a fact which Arendt is perfectly aware of. On the one hand, Arendt continues to examine the role of judgment exercised by the citizens and political actors in the public activities based on the Kantian notions of disinterestedness, enlarged mentality and intersubjectivity.²¹ On the other hand, however, Arendt argues that the judges, now represented by the members in the judiciary, scholars in the academia and journalists in the press, should stand beyond the realm of politics and protect the factual truth from being distorted by the realm of politics.²² This is a novel claim, but also a confusing one. Judgment is now viewed from the perspective of the *vita contemplativa* as an activity of those who are detached from political

¹⁹ Ibid., p. 207, and pp. 216-218.

²⁰ This tendency can be best illustrated by Arendt's conflation of the Kantian notion of judgment with the Aristotelian notion of *phronēsis* which, according to Arendt, is characteristic of the statesmen. Ibid., p. 218. See also ibid., pp. 219-220.

²¹ Arendt, *Truth and Politics*, in *Between Past and Future* (Penguin Books, 2006), pp. 237-239.

²² Ibid., pp. 254-259.

practice, but judgment thus defined loses its normative function: we are now told that judges are not in charge of telling right from wrong, but truth from lies. The imperative “Be faithful to factual truth” is indeed normative, but this prescription tells us very little about how to act and how to evaluate when factual truth is not at stake. It seems that Arendt’s new conception of judgment is motivated less by her concerns about the normative function of judgment to tell right from wrong than by her personal involvement in the Eichmann controversy.²³

In sum, in the early writings, when judgment is viewed from the *vita contemplativa*, it is not the faculty that tells us how to judge right from wrong; if judgment is understood as playing a normative role, judgment in this sense is so immanent in the *vita activa* that we cannot distinguish judgment from the deliberative faculty directly exercised in political activities.

However, in Arendt’s later writing she attempts to investigate the normative function of judgment from the perspective of the *vita contemplativa*. This curious combination of the normative function of judgment with the perspective of the *vita contemplativa* is the defining feature of Arendt’s later work. To begin with, the *vita contemplativa*, which is conceived as a perspective that is adopted when one is detached from public activities, now becomes the default position in Arendt’s study:

Every mental act rests on the mind’s faculty of having present to itself what is absent from the senses. ... But this is possible only after it has withdrawn from the present and the urgencies of everyday life. ... And judgment, finally, be it aesthetic or legal or moral, presupposes a definitely ‘unnatural’ and deliberate withdraw from involvement and the partiality of immediate interest as they are given by my position in the world and the part I play in it.²⁴

This change of mind forces Arendt to dissociate the faculty of judgment from the deliberative faculty that citizens exercise in their public activities. A telling piece of evidence is Arendt’s new attitude toward the relationship between the Kantian notion of judgment and the Aristotelian

²³ Arendt, *Truth and Politics*, p. 223, note.

²⁴ Arendt, *Thinking*, pp. 75-76.

notion of *phronēsis*. We are told that Arendt, just prior to her death, comments that “*Urteilkraft* is not *phronēsis*”²⁵, and it is evident that she explicitly dissociates judgment from the deliberative faculty which people exercise directly in the public debate oriented to a prudential decision. In Heideggerian language, judgment is now conceived as a mode of mental activity rid of the readiness-of-hand (*Zuhandenheit*) of direct practical dealing,²⁶ though the specific nature of judgment has not been clarified.

Since the perspective of the *vita contemplativa* is now understood as a default position for every mental faculty, it is no longer disputable that judgment, as one among the mental faculties, is also viewed from the perspective of the *vita contemplativa*. But does Arendt at the same time conceive judgment as a faculty with normative relevance? There is also good reason to give an affirmative answer to this question. I do not attempt to preclude the reading which focuses on the ontological function of judgment – I agree that the ontological function of judgment is taken seriously by Arendt. However, I attempt to show that the normative function is also central to Arendt’s project of understanding the life of the mind.

First, though Arendt argues that the exercise of judgment requires detachment, she explicitly allows for the possibility that by means of judgment we are able to realize our conception of right and wrong in the world.²⁷ Therefore, the detachment required of judgment is better conceived as a temporal interruption of the customary course of action, not an absolute withdraw from the world. Therefore, there is sufficient conceptual space to accommodate the idea that judgment is a faculty with normative and practical significance which guides our activity and evaluation. This will be a possible interpretation as long as judgment is conceived as *indirectly* intervening in our activity and appraisal without its status as a mode of the *vita contemplativa* being compromised. I will come back to this point in due course.

Second, we notice that both thinking and willing need a normative faculty as an auxiliary, and judgment is precisely the faculty that plays this role. I have mentioned that Arendt’s interest in mental faculties is partially motivated by her experience in the Eichmann Trial, which impels her

²⁵ Villa, “Hannah Arendt: Modernity, Alienation, and Critique”, p. 301, and p. 309, note 51. Quoted from Jerome Kohn’s conversation with Dana Villa.

²⁶ Martin Heidegger, *Being and Time*, tr. John Macquarrie and Edward Robinson (Basil Blackwell, 1962), § 15, p. 98.

²⁷ Arendt, *Thinking*, p. 193.

to investigate whether mental faculties have practical implications. For this purpose, she in the first place examines the side effect of *thinking* on one's ethical outlook. However, the thinking process is always aporetic: the thinking process does not propose a determinate answer, but instead, destroys the credibility of what is taken for granted.²⁸ The thinking process actualizes one's dialogue with oneself, which is oriented to an answer about right and wrong to restore the harmony in one's mental life,²⁹ but ultimately, the answer can be reached only by exercising one's capacity to judge.³⁰

Willing also needs a normative function as its auxiliary. In the last chapter of *Two/Willing* (*Willing* hereinafter), Arendt argues that all the founders of a new secular order face an embarrassing difficulty caused by the founding act itself. The difficulty is twofold. On the one hand, the revolutionary act destroys the old source of authority, but in this vacuum of authority and values the founders are obliged to create a community with shared values that are immune to further challenges. On the other hand, the founders have to shoulder the unbearable responsibility in the absence a solid standard to rely on: whether they will enjoy fame or infamy depends on their action whose justifiability, however, they are not certain of. At this point, Arendt informs us of the purpose for which the volume on judging is designed: judgment is precisely the faculty that contributes to reconciling our appreciation of human freedom and our unbearable need to create shared values and authority.³¹ Unfortunately Arendt does not tell us how it is possible to achieve such a reconciliation. But we may speculate that by exercising judgment the actors have a normative basis to hold on to in the spontaneous action. If we simplify this train of thought (though it is not entirely fair to Arendt's insight), what is involved in this complex concluding chapter is a plain truth: political activities that display human freedom should also be guided and supported by valid normative standards supplied by judgment. To be sure, this closing chapter of *Willing* is extremely difficult to interpret, and the ambiguities in the text are open to different readings.³² But at least the emphasis on the possibility of valid normative claims in a political

²⁸ Ibid., p. 192.

²⁹ Ibid., p. 191.

³⁰ Ibid., p. 193.

³¹ Hannah Arendt, *Two/Willing*, in *The Life of the Mind* (A Harvest Book, 1978), pp. 195-217.

³² For instance, this chapter is interpreted by Beiner as evidence supporting the claim that judgment plays an ontological role. Beiner, "interpretive Essay", pp. 144-156, esp. pp. 152-153.

community lends itself to this alternative reading.

The evidence in Arendt's *The Life of the Mind* may not be adequate to vindicate the claim that judgment plays a normative role. However, in Arendt's *Lectures* itself we can find direct evidence supporting this stance. To be sure, the ontological function of judgment is indeed seriously examined in *Lectures*. However, the way Arendt thematizes Kant's own judgment of the French Revolution strongly suggests that Arendt also has in mind the normative function of judgment. Kant's attitude toward the French Revolution is equivocal: on the one hand, he admires the revolutionaries who are inspired by the pure concept of right;³³ however, revolution is by no means permitted by Kant's moral and ethical conviction.³⁴ Arendt supposes that Kant experiences "a clash between the principle according to which you should act and the principle according to which you judge."³⁵ This clash is so central to Arendt's *Lectures* that the whole work can be regarded as an exercise based on this interesting phenomenon. But what does the clash consist of? Does Arendt merely indicate that Kant's moral and ethical conviction is at odds with himself as a judging spectator when he discovers the ontological significance of French Revolution, namely, its significance as an indicator of the spectators' universal moral progress?³⁶ Not exactly. At the end of *Lectures*, Arendt further clarifies how the function of judgment from the perspective of *vita contemplativa* should be understood. Kant supposes that the fact that human beings require and expect from others the regard for universal communication reveals that there existed an original compact among human beings.³⁷ Arendt reads this passage in this way:

This compact, according to Kant, would be a mere idea, regulating not just our reflections on these matters but actually inspiring our actions. ... It is at this point that actor and spectator become united; the maxim of the actor and the maxim, the "standard", according to which the spectator judges the spectacle of the world, become one. The, as it

³³ Arendt, *Lectures*, pp. 45-46. See also Immanuel Kant, *The Conflict of the Faculties*, tr. Mary J. Gregor and Robert Anchor, in *Religion and Rational Theology*, tr. and ed. Allen W. Wood and George Di Giovanni (Cambridge University, 1996), 7: 85-7: 89, pp. 301-305.

³⁴ Arendt, *Lectures*, pp. 47-48. See also Immanuel Kant, *Toward Perpetual Peace*, in *Practical Philosophy*, tr. and ed. Mary J. Gregor (Cambridge University Press, 1996), 8: 382, p. 348.

³⁵ Arendt, *Lectures*, p. 48.

³⁶ Kant, Kant, *The Conflict of the Faculties*, 7: 85-7: 89, pp. 301-305.

³⁷ Kant, *Critique of the Power of Judgment*, 5: 297, p. 177.

were, categorical imperative for action could be read as follows: Always act on the maxim through which this original compact can be actualized into a general law.³⁸

Arendt supposes that the perspective of the *vita contemplativa* is normative in that it gives rise to a regulative standard that is practically and normatively relevant. Arendt's language cannot be read too literally: of course, Arendt does not try to spell out a propositional ethical principle since that is directly at odds with her particularist commitment. But the emphasis on the guiding role of the perspective of the *vita contemplativa* suggests that the normative function of judgment is key to our understanding Arendt's thought in *Lectures*.

To sum up, I have argued that in Arendt's works after 1970, the perspective of the *vita contemplativa* becomes a default perspective in studying mental faculties. But still, judgment investigated from this perspective is conceived as practical and normative. The textual evidence displayed here is hopefully an adequate ground based on which the enterprise to develop a normative theory of political ethics in its relation to the perspective of the *vita contemplativa* is justified.

³⁸ Arendt, *Lectures*, pp. 75-75.

III. Intersubjectivity and Normativity in Judging

In the remainder of the paper, I will show, on the one hand, why the perspective of the *vita contemplativa* is intrinsic to Arendt's project to study the normative function of judgment, and on the other hand, how it is possible that the perspective of the *vita contemplativa*, as a position that is adopted when a judge is detached from practice and action, could still be practically relevant.

In order to show why the perspective of the *vita contemplativa* is a necessary component of Arendt's thought, I will first analyze Arendt's appropriation of Kant and show why the perspective of the *vita contemplativa* is an indispensable complement to her appropriation.³⁹ Unlike the contemporary scholars who try to develop a normative political ethics based on Kant's moral philosophy, Arendt refuses to take Kant's moral philosophy as a promising starting-point. Arendt indicates that the political principle of publicity that is central to Kant's political writings has its root in Kant's moral philosophy,⁴⁰ and throughout her *Lectures* she relentlessly criticizes Kant's moral philosophy as an improper model for political ethics. But what is wrong with Kant's moral philosophy? One straightforward answer is that the universalist feature of moral law and practical

³⁹ It is necessary to note that Arendt's criticism of Kant is multifaceted, and a large portion of her *Lectures* is focused on Kant's philosophy of history. Arendt has always been hostile to modern conceptions of history, and her criticism of Kant's notion of history is in the same vein as her early presentations. In her essay *The Concept of History*, Arendt analyzes Marx's notion of history critically. According to Arendt, Marx's concept of history is an extension of the modern historical consciousness since Vico to Hegel, according to which the meaning of a particular event can be grasped only when it is understood as a moment of the history which unfolds itself overtime. However, for philosophers from Vico to Hegel, the retrospective comprehension of the whole history is only for the sake of the theoretical understanding, whereas for Marx, this theoretical comprehension should be directly appealed to as a guiding principle for human practice. This leads to two destructive confusions. The first destructive confusion is an ontological one: Arendt supposes that this notion of history renders everything meaningless. Since each particular event is meaningful only with reference to its contribution to the historical process, the particular event, degraded as a means for an end beyond itself, is deprived of its significance in its own right; whereas since there is neither an end-point in the whole process, the whole history is equally meaningless. The other destructive confusion is a practical one, which, moreover, lends itself directly to the totalitarian regimes. In practice, Arendt supposes that the ultimate direction of the history can be equally interpreted by any ideology. Under a regime which mobilizes the society by means of a comprehensive ideology asserting that the direction of human history has been determined, political disaster is around the corner. On the one hand, factual truth will be distorted by the regime in order to substantiate the comprehensive interpretation. On the other hand, the ideology can be easily used as a coercive device in executing and justifying political crimes in the name of the history. However, since Arendt's reflection on teleological judgment is not so closely related to the normative function of judgment as to the ontological function of judgment, I will not explore Arendt's dismissal of Kant's theory of history in greater detail. See Hannah Arendt, *The Concept of History: Ancient and Modern*, in *Between Past and Future* (Penguin Books, 2006), pp. 77-80 and pp. 86-90. See also Hannah Arendt, *Truth and Politics*, pp. 245-254; Hannah Arendt, *The Origins of Totalitarianism* (Harvest/HBJ, 1979), pp. 468-479.

⁴⁰ Arendt, *Lectures*, p. 49. See also Kant, *Toward Perpetual Peace*, 8: 381- 8: 386, pp. 347-351. See also Immanuel Kant, *Groundwork of the Metaphysics of Morals*, in *Practical Philosophy*, tr. and ed. Mary J. Gregor (Cambridge University Press, 1996), 4: 421, p. 73. Arendt's remark is also supported by Kant's *Metaphysics of Morals*, where the relation between the philosophy of right and moral philosophy is further clarified. The two branches of metaphysics of morals (namely, the doctrine of right and the doctrine of virtue) both depend upon the notion of moral law and the notion of duties, but what is peculiar of the doctrine of right is that juridical lawgiving is concerned about the laws where external lawgiving is possible and where duty is not required to be the determining ground of the choice. See Immanuel Kant, *Metaphysics of Morals*, in *Practical Philosophy*, tr. and ed. Mary J. Gregor (Cambridge University Press, 1996), 6:211-6: 229, pp. 370-386.

reason is in direct opposition to the nature of judgment, which is sensitive to the particularities of each situation. However, this is not how Arendt thematizes the question: though the significance of particulars is prominent when Arendt criticizes Kant's theory of history, the significance of particulars is almost never appealed to when Arendt criticizes Kant's moral philosophy.⁴¹ Instead, central to Arendt's criticism of Kant's moral philosophy is her belief that Kant's moral philosophy is designed to realize a conception of person which is fundamentally apolitical and asocial:

Moreover, since the question How do I judge – the question of the third Critique – is also absent, none of the basically philosophical questions even so much as mentions the condition of human plurality. But Kant's insistence on the duties toward myself, his insistence that moral duties ought to be free of all inclination and that the moral law should be valid not only for men on this planet but for all intelligible beings in the universe, restricts this condition of plurality to a minimum.⁴²

The universalist feature of the moral law is designed to abstract from a person all the contingent aspects that may distort one's self-conception as a rational and autonomous being. The idea that Kant's notion of moral law is a device to realize a conception of person is not new to us.⁴³ But Arendt contends that this notion of rational and autonomous being cannot serve as an adequate basis for political ethics; instead, a promising theory of political ethics should be based on a notion of person with intersubjective relations.⁴⁴ Arendt searches for a notion of intersubjectivity

⁴¹ There is one exception, where, however, it cannot be easily decided whether Arendt criticizes Kant's moral philosophy by contrasting the nature of judgment with the universal feature of practical reason. See Arendt, *Lectures*, p. 13. The greatest problem with this straightforward reading is the fact that the significance of the particular is more closely associated with Arendt's criticism of Kant's notion of history and his political thoughts built upon this notion of history. See *ibid.*, p. 26, p. 58-59, p. 69 and pp. 76-77. To be clear, I do not mean that Arendt would not criticize Kant's moral philosophy by indicating its negligence of the particulars. I simply mean that we are not justified in ascribing this straightforward answer to Arendt without a more detailed analysis of the text.

⁴² *Ibid.*, p. 20. See also *ibid.*, p. 13, pp. 26-27, pp. 67-68.

⁴³ And there are inspiring contemporary attempts following this Kantian insight, according to which Kant's notion of moral law is not regarded merely as a standard to test the validity of possible normative claims. For instance, in "The Kantian Interpretation of Justice as Fairness", John Rawls interprets his theory of original position and the principles of justice as a variation of Kant's categorical imperative. The normative basis that underlies this interpretation is a notion of person: by following the principles of justice citizens express and realize their nature as rational and autonomous beings. John Rawls, "The Kantian Interpretation of Justice as Fairness", in *A Theory of Justice* (Harvard University Press, 1999), pp. 221-227. See also John Rawls, "Kantian Constructivism in Moral Theory", in *The Journal of Philosophy*, vol. 77, no. 9 (Sep. 1980), pp. 515-572, esp. p. 516-519. Christine Korsgaard, *The Sources of Normativity* (Cambridge University Press, 1996), pp. 90-130.

⁴⁴ This concept of "person in plurality" is fundamental to Arendt's political thought and she never doubts the

according to which our intersubjective relationships with others mediated by vicarious or actual dialogues are in some way *constitutive* of the judgment that we arrive at. But this seems to be something missing in Kant's moral philosophy. In this paper I do not purport to examine whether Arendt's criticism against Kant is fair, and it is sufficient for the present purpose to notice that it is Arendt's attempt to understand intersubjectivity that leads her to Kant's theory of judgment.

In order to decide whether Arendt's quest for intersubjectivity is successful, in the first place it is necessary to determine which kind of intersubjectivity Arendt tries to defend. Arendt attempts to extract a robust notion of intersubjectivity from Kant's *corpus*, but in the first half of *Lectures* Arendt shows nothing more than the significance of communication in virtue of its capacity to broaden one's view and correct one's formulated opinions.⁴⁵ In order to substantiate her claim, Arendt compares Kant's method of *critique* with Socrates' practice of dialectical examination that is displayed in public.⁴⁶ Dialectical examination is indeed embedded in the intersubjective relationships, but this conception does little to show how intersubjective relationships are constitutive of judgment-formation: even those branches of knowledge that require nothing more than monological calculations (for instance, our mathematical knowledge) are in need of communication as a way of examination and correction.

However, if Arendt wants to find a stronger notion of intersubjectivity, why doesn't she revisit the works of other philosophers? In the work of Kant's heirs and critics, especially Fichte and Hegel, a theory of intersubjectivity is placed at the center of ethics (even epistemology). According to Fichte and Hegel, every normative claim should be conceived as arising from intersubjective relationships through mutual recognition.⁴⁷ Not only the specific reasons, but even the space of reason itself, comes into being through intersubjective relationships. However, Arendt is never interested in this strong notion of intersubjectivity according to which the *nature* of

validity of this claim. For Arendt, the real serious question is not "whether a person in her political life is subject to interpersonal relations?", but "how shall we specify in detail this conception of person with intersubjective relations?"

⁴⁵ Arendt, *Lectures*, pp. 36-43.

⁴⁶ *Ibid.*, pp. 36-40.

⁴⁷ See J. G. Fichte, *Foundations of Natural Right*, ed. Frederick Neuhouser, tr. Michael Baur (Cambridge University Press, 2000), 30-40, pp. 29-39; G. W. F. Hegel, *Phenomenology of Spirit*, tr. A. V. Miller (Oxford University Press, 1977), §§ 178-196, pp. 111-119. See also Stephen Darwall, "Fichte and the Second-Person Standpoint", in *Deutscher Idealismus und die gegenwärtige analytische Philosophie* (De Gruyter, 2005), pp. 91-113; Mattias Iser, *Recognition*, in *Stanford Encyclopedia of Philosophy* (2019), <https://plato.stanford.edu/entries/recognition/>; Stephan Darwall, *The Second-Person Standpoint* (Harvard University Press, 2006), pp. 243-276/

reasons is interpreted as intersubjective. Instead, she is primarily interested in the operation of a mental faculty that deals with these reasons, however the nature of reasons should be understood.

In the second half of *Lectures*, we notice that Arendt tries to defend a notion of intersubjectivity which is distinguished from both the trivial conception displayed in the first half of work on the one hand, and the strong Fichtean-Hegelian conception on the other hand. Arendt argues that the constitutive significance of intersubjectivity lies in the fact that the exercise of this mental faculty necessarily requires that one's intersubjective conditions be taken into account: "Judgment, and especially judgments of taste, always reflects upon others and their taste, takes their possible judgments into account."⁴⁸ And thence, Arendt proceeds to flesh out the details of her claim by interpreting Kant's notion of communicability and enlarged mentality in an unprecedented way. On the one hand, whether a normative claim can be justified depends on whether this claim can be communicable:

The very act of approbation pleases, the very act of disapprobation displeases. Hence the question: How does one choose between approbation and disapprobation? One criterion is easily guessed if one considers the examples given above: it is the criterion of communicability or publicness.⁴⁹

From Kant's notion of communicability and common sense, Arendt discovers a normative criterion to distinguish the valid from invalid judgments: valid judgments are those which are communicable, whereas the invalid judgments are those which fall short of communicability. Communicability does not simply mean intelligibility – even invalid claims could be intelligible in a sense to others. By contrast, communicability refers to a feature of one's judgment in virtue of which this claim can be endorsed by others.

On the other hand, based on Kant's notion of enlarged mentality and disinterestedness, Arendt gives an account of how one should exercise one's judgment so as to make that judgment communicable:

⁴⁸ Arendt, *Lectures*, p. 67.

⁴⁹ *Ibid.*, p. 69.

We saw that an ‘enlarged mentality’ is the condition *sine qua non* of right judgment; one’s community sense makes it possible to enlarge one’s mentality. Negatively speaking, this means that one is able to abstract from private conditions and circumstances, which, as far as judgment is concerned, limit and inhibit its exercise. Private conditions condition us; imagination and reflection enable us to liberate ourselves from them and to attain that relative impartiality that is the specific virtue of judgment. The less idiosyncratic one’s taste is, the better it can be communicated: communicability is again the touchstone.⁵⁰

“Enlarged mentality” is interpreted by Arendt as a process by which one compares her own judgment with the possible views, not the actual views, of others. This process should be distinguished from “empathy” by which one takes only the actual views of others into account without criticism. This should also be distinguished from a monological process in which one only tests her judgment through logical and conceptual calculation, since a comparison of one’s own view with the possible perspectives of others is a necessary step. This process should be equally distinguished from a way of thinking in which one simply concedes to the judgment of others.⁵¹ Arendt is interested in Kant’s notion of enlarged mentality since this notion specifies how one includes different views into one’s judgment without compromising one’s free and autonomous thinking. The judge should strike a balance between the constitutive role of intersubjective relationships and her own autonomy in judgment-formation.⁵²

In sum, Arendt arrives at an inspiring theory of intersubjectivity that lies between the trivial conception and the strong Fichtean-Hegelian conception. Arendt argues that the constitutive significance of intersubjective relationships lies in the role it plays in judgment-formation: on the one hand, judgment is such a faculty that its successful exercise requires that one orient the mental process to the expectation that one’s judgment can be communicable, since the validity of this

⁵⁰ Ibid., p. 73. In another place Arendt also argues, “Critical thinking is possible only where the standpoints of all others are open to inspection. Hence, critical thinking, while still a solitary business, does not cut itself off from ‘all others’.” Ibid., p. 43.

⁵¹ Ibid., p. 43-44.

⁵² For instance, see Ronald Beiner, “Rereading Hannah Arendt’s Kant Lectures”, in *Judgment, Imagination, and Politics: Themes from Kant and Arendt*, ed. Ronald Beiner and Jennifer Nedelsky (Rowman & Littlefield Publishers, Inc., 2001), pp. 91-101.

judgment depends on its communicability. On the other hand, in order that the judgment can be communicable, the possible views of others should be taken into account without autonomous thinking being compromised. These two descriptions of judgment are normative standards that regulate one's exercise of judgment: the former sets out the normative criterion peculiar to the faculty of judgment, while the latter specifies a way to satisfy the criterion – they are two sides of the same coin.

Since these inspiring aspects of Arendt's thought have already been widely discussed, I will not elaborate on Arendt's contribution. Instead, for the critical purpose, I will question whether Arendt's account is adequate. One embarrassing feature of Arendt's interpretation of enlarged mentality and communicability is that her writing does little to give substance to these notions. Of course, through Arendt's clarifications we know a lot about how one should exercise one's judgment. For instance, we know that an ideal judge is not an "ideal observer" who only takes the unreflective inclinations of others into consideration; we also know that enlarged mentality should not be understood as a variation of John Rawls' notion of public reason, because what can be arrived at in the judging process is neither prescribed by a rule of public justification nor restricted to a limited range of reasons.⁵³ However, we know very little beyond these negative descriptions.

Arendt's failure to give a clear answer to several key issues gives rise to great confusion in contemporary literature. Here are two unanswered questions which may call the adequacy of Arendt's account into question concerning the specific meaning of communicability.⁵⁴ First, it is

⁵³ See John Rawls, *Political Liberalism* (Columbia University Press, 1993), pp. 212-254. For a detailed analysis of Rawls' notion of public reason and Arendt's theory of judgment, see Zerilli, *A Democratic Theory of Judgment*, pp. 143-162.

⁵⁴ There is also another curious question which I cannot address here. This question is related to the precise requirements of enlarged mentality: what are the reasons that could be included in this reflective process, and to which extent is the agent justified in criticizing these reasons? In other words, this question concerns the *scope* and the *limit* of the reflective process. What is more worrying is that her account may lead to two opposite directions. Arendt sings high praises for, on the one hand, Kant's cosmopolitan view, according to which a wide range of reasons could be taken into the mental process, and the judge can be justified in criticizing these reasons without reservation. See Arendt, *Lectures*, pp. 75-77. But on the other hand, her occasional emphasis on "community sense" (as Arendt's own "idiosyncratic" translation of *sensus communis*) lends itself to a communitarian reading, according to which a judge should only take the reasons shared by the community in which she is situated into consideration and refrain from criticizing these reasons without reservation, so as to make sure that the judgment she arrives at could be communicable within the community. See Arendt, *Lectures*, p. 27, p. 72. For instance, Villa criticizes Beiner's communitarian reading of Arendt's theory of judgment. See Dana Villa, "Hannah Arendt: Modernity, Alienation, and Critique", in *Judgment, Imagination, and Politics: Themes from Kant and Arendt*, ed. Ronald Beiner and Jennifer Nedelsky (Rowman & Littlefield Publishers, Inc., 2001), pp. 299-306. Though I am not sure whether Villa's accusation is fair to Beiner, Villa is perfectly right in forestalling a reading of Arendt according to which the reflective process is situated in and restricted by the reasons in a particular community. I suppose that the Wittgensteinian reading of Arendt (even including Zerilli's work) is also guilty of this mistake. But in any case, here we can see the inadequacy of Arendt's account: we are not able to answer this question unless

not clear whether Arendt has vicarious communication or actual communication in mind. If Arendt has actual communication in mind, enlarged mentality refers to a reflective process that is realized only when one takes what is actually expressed by others into account and examines one's judgment through actual dialogues. By contrast, if she has vicarious communication in mind, enlarged mentality refers to a reflective process which, however, requires neither taking what is actually expressed by others into account, nor examining and ascertaining the validity of one's claim through actual dialogues. Arendt is not quite consistent with regard to this question, and both readings can find supporters in contemporary literature.⁵⁵

This first question by itself is not a serious one, but it becomes worrying since it is related to the second question: is the normative criterion of communicability conceived as a normative *expectation* or a normative *test*? By communicability conceived as a normative test, I refer to the idea that actual communication among people is an indispensable moment to ascertain the validity of one's judgment. In this case, a judgment can be regarded as valid simply when it passes this test. However, if communicability is taken as a normative expectation, communicability should be better understood as a leading principle with reference to which one orients one's judging process. But actual communication is then not a necessary step within this process. Communicability thus understood is primarily related to the process of judgment-formation before the validity of judgment is actually tested and ascertained in actual communication with others. When one draws to the end of the judging process, one is not in a position to ascertain directly that one's judgment is an absolutely valid one, but in a position to claim that one now *has a right* to consider that the judgment could be communicable even if the judgment is not actually endorsed by others. During the judging process the judge should constantly ask oneself whether the claim one is about to make *can* possibly be endorsed by others, but one is not therefore obliged to test whether the claim is actually communicable through communication. Moreover, even if it turns out that one's

a more detailed account of enlarged mentality is available to us.

⁵⁵ For the vicarious communication reading, see Dana Villa, "Thinking and Judging", in *Politics, Philosophy, Terror* (Princeton University Press, 1999), pp. 87-106, esp. p. 102; Zerilli, "'We Feel Our Freedom': Imagination and Judgment in the Thought of Hannah Arendt", pp. 176-177. For the actual communication reading, see Nedelsky, "Judgment, Diversity, and Relational Autonomy", p. 109; Iris Marjan Young, "Asymmetrical Reciprocity: On Moral Respect, Wonder and Enlarged Thought", in *Judgment, Imagination, and Politics: Themes from Kant and Arendt*, ed. Ronald Beiner and Jennifer Nedelsky (Rowman & Littlefield Publishers, Inc., 2001), pp. 205-228. esp. p. 225.

judgment does not actually win assent from others, one is still in a position to stick to one's own judgment as long as one is certain that one's judgment can possibly be shared by others.

I do not attempt to argue that if communicability is understood as a normative expectation, actual communication with others is necessarily excluded. Neither do I want to say that communicability conceived as a normative expectation is incompatible with its function as a normative test. I only attempt to say that if communicability is taken as a normative expectation, actual communication with others is not taken as a necessary moment. The subtle difference between the normative expectation and the normative test seems never alive to Arendt, but this is not an immaterial conceptual distinction since it is directly related to the question of how we should understand Arendt's conception of normativity in judgment. The idea that communicability conceived as a normative test is taken seriously by Arendt. However, if communicability is at the same time conceived as a normative expectation, Arendt's theory cannot be adequate unless the condition in which one has a right to demand universal assent from others is specified.

Why is it necessary to specify this further condition? We can find a clue to the significance if we revisit Kant's notion of "the necessity of universal assent"⁵⁶ in *Critique of the Power of Judgment*, in which Kant specifies the nature of the normative force that a judgment of taste carries with itself based on the notion of communicability and common sense.⁵⁷ In this context Kant attempts to explain why a judgment of taste carries with itself a claim to universal assent and necessity. However, this claim to universal assent and necessity is not unconditional since it cannot be based on proofs and concepts which specify the rules according to which an object could be subsumed. Therefore, when one makes a judgment of taste, one is not able to

⁵⁶ E.g., Kant, Immanuel Kant, *Critique of the Power of Judgment*, ed. Paul Guyer, tr. Paul Guyer and Eric Matthews (Cambridge University Press, 2000), 5: 239, p. 123.

⁵⁷ It is necessary to note that the notions of universal communicability and common sense are introduced by Kant as part of his *Deduction* of judgment of taste. The *Deduction* of *Critique of the Power of Judgment* is devoted to answering the question of "how and whether aesthetic judgments *a priori* are possible", and by this question Kant asks by which right (*quid juris*) we are able to ascertain that there is judgment of taste at all. However, communicability and common sense used in this context are not normative. They primarily refer to the fact that human beings share the same cognitive faculties so that a judgment of taste, which is grounded by the harmonious interplay of these faculties (i.e., the free play of imagination and understanding), is possible. In other words, communicability and common sense in this context refer to the *transcendental ground* which makes judgment of taste possible at all. If we are to understand the normative function of universal communicability and common sense, we have to understand it in other specific contexts, such as in its relation to "the necessity of universal assent". See Immanuel Kant, *Critique of Pure Reason*, tr. Paul Guyer and Allen W. Wood (Cambridge University Press, 1998), A84/B116-A92/B124, pp. 219-223; also, Kant, *Critique of the Power of Judgment*, 5:218, p. 103, and 5:285-5:296, pp. 160-176.

demonstrate the validity of the judgment through proofs and concepts; but one is still in a position to demand universal agreement from others.⁵⁸ Hence,

[W]hereas the judgment of reflection, which, as experience teaches, is often enough rejected in its claim to the universal validity of its judgment (about the beautiful), can nevertheless find it possible (as it also actually does) to represent judgments that could demand such assent universally, and does in fact expect it of everyone for each of its judgments, while those who make those judgments do not find themselves in conflict over the possibility of such a claim, but only find it impossible to agree on the correct application of this faculty in particular cases.⁵⁹

In this concise but rich passage, Kant argues that in a certain condition one has a right to demand assent from others without actually winning assent from everyone. In other words, universal communicability is a normative expectation for Kant. This notion can be equally extended into the ethical realm: in a certain condition one has a right to ascribe one's own judgment also to others, though one does not have a right to claim that the judgment is the only correct one. It may happen that this right is also enjoyed by many other people who do not share the same judgment. In this situation, people may debate with the expectation that one view will prevail, but this debate does not deprive anyone of one's right, and one's justified confidence to stick to one's own view. When one has a right to demand universal assent from others, one's view is distinguished both from a merely subjective and arbitrary view which does not carry with itself any claim to validity, and from an objective view which carries with itself a strong claim to truth excluding other possible views.⁶⁰ This view underscores the significance of autonomous thinking since it leaves open the possibility that one is justified in holding on to one's own view as long as one has a right to demand universal assent.⁶¹ It also does justice to the diversity of perspectives

⁵⁸ See Kant, *Critique of the Power of Judgment*, 5: 236-5: 240, pp. 121-124; also 5:280-5: 287, pp. 161-168.

⁵⁹ *Ibid.*, 5: 214, p. 99.

⁶⁰ For a more detailed analysis of this notion and its political implication, see Zerilli, *A Democratic Theory of Judgment*, pp. 41-82.

⁶¹ For instance, "The judgment of others, when it is unfavorable to our own, can of course rightly give us reservations about our own, but can never convince us of its incorrectness." Kant, *Critique of the Power of Judgment*, 5: 284, p. 165.

and the possibility of genuine disagreement without denying the possibility of validity. Therefore, we may conclude that the significance of autonomous thinking and the possibility of validity are two decisive *desiderata* to conceive universal communicability as a normative expectation.

However, if communicability is conceived as a normative expectation, there emerges an additional necessity of specifying this condition in which one is in a position to demand universal assent, without which the account cannot be adequate. We would have a straightforward criterion to decide if communicability is conceived as a normative test: we can decide that an actual assent comes into being when there is clear evidence showing that a view has been agreed upon after actual dialogue. But whether one enjoys a right to demand universal assent is not determined by the question whether the judgment actually wins universal and actual assent. Therefore, it is necessary to specify *independently* the condition in which the right to demand universal assent could be justified. Without such an account, we, *qua* people who evaluate the judgment of others, will be denied a criterion to tell the justified rights to universal assent from the pretended ones; and also, without such an account, we, *qua* people who exercise judgment by ourselves, will be denied a guiding thread to know whether it is justificatory for us to stick to our own judgments with appropriate confidence. Moreover, the condition should be specified in such a way that (i) it yields a guiding thread that regulates the judging process towards the satisfaction of this condition; (ii) the criterion to determine justified right from spurious right should be accessible from a first-person perspective, because we, *qua* people who exercise judgment by ourselves, need this criterion to determine whether we ourselves are justified to stick to our own judgment; (iii) the condition cannot be described solely with reference to communicability in actual dialogues, because we need an independent criterion to guide our judgment-formation before the judgment is brought into actual dialogue with others.⁶²

There is good reason to suppose that Arendt indeed takes universal communicability as a normative expectation. We have noticed that the significance of autonomous thinking is a decisive *desideratum* in conceiving universal communicability as a normative expectation, and we find that

⁶² A condition described in this way is in no way monological: judgment is always a practice that starts with communicated reasons and orients itself towards mutual communication; but this notion of communicability should be counterbalanced by a criterion to determine from the first-person perspective whether one's judgment can be upheld and be communicable before actual dialogues.

Arendt also lays great emphasis on the significance of autonomous thinking in the judgment-formation process. For instance, Arendt argues,

The trick of critical thinking does not consist in an enormously enlarged empathy through which one can know what actually goes on in the mind of all others. To think, according to Kant's understanding of enlightenment, means *Selbstdenken*, to think for oneself...⁶³

Therefore, if Arendt also conceives autonomous thinking as a *desideratum*, there is reason to suppose that Arendt will take communicability as a normative expectation: communicability conceived as a normative expectation accommodates and encourages autonomous thinking, whereas communicability conceived as a normative test is silent on this question. However, if communicability is conceived as a normative expectation, the onus is on Arendt to give substance to the condition in which one is able to determine that one's judgment is communicable in principle and therefore, has a right to demand universal assent from others. But does Arendt succeed in doing this?

⁶³ Arendt, *Lectures*, p. 43.

IV. Impartiality and the *Vita Contemplativa*

Though Arendt does not formulate this question explicitly, she may well be aware of the need to give an account of this condition. Arendt specifies this condition with reference to the notion of *impartiality*, which is conceived as an indispensable normative standard in the exercise of enlarged mentality: “The twofold operation establishes the most important condition for all judgments, the condition of impartiality, of ‘disinterested interested delight’. By closing eyes one becomes an impartial, not directly affected, spectator of visible things.”⁶⁴

Arendt supposes that impartiality is the condition which warrants the judge in making a valid judgment. But Arendt fails to clarify the specific meaning of the terms that she is using. For instance, what makes a reason partial? What are the reasons that are still available to a judge to evaluate an action when this judge has adopted an impartial view? We know that in the reflective judging process, the judge neither adopts a view from nowhere, nor does this judge adopt a pre-reflective and uncritical view.⁶⁵ This precludes only the extreme possibilities, but within the wide spectrum Arendt’s notion of impartiality is still open to different interpretations, and we are not able to appreciate Arendt’s theory in its full force unless a more detailed interpretation of Arendt’s position is available to us.

Is it possible for Arendt to further appropriate Kant’s theory directly so as to flesh out the details of this condition? Not likely. Though Kant is also aware of the need to specify the condition in which one has a right to demand universal assent, Kant’s account only provides a poor model that cannot be applied directly to the ethical context. In § 9 of *Critique of the Power of Judgment*, Kant indicates that there are two questions that he has to answer: on the one hand, he has to show “how and whether aesthetic judgments *a priori* are possible”; on the other hand, he has to show “in what way do we become conscious of” the fact that one is in the right state of mind to make a valid judgment of taste.⁶⁶ The first question, which concerns the transcendental ground of judgment of taste, is irrelevant to our present purpose. But by positing the second

⁶⁴ Ibid., p. 68. See also *ibid.*, pp. 42-44, pp. 55-56, p. 67, and p. 73.

⁶⁵ See Jennifer Nedelsky, “Judgment, Diversity, and Relational Autonomy”, in *Judgment, Imagination, and Politics: Themes from Kant and Arendt*, ed. Ronald Beiner and Jennifer Nedelsky (Rowman & Littlefield Publishers, Inc., 2001), pp. 103-120; also Marshall, “The Origin and Character of Hannah Arendt’s Theory of Judgment”, p. 382.

⁶⁶ Kant, *Critique of the Power of Judgment*, 5:218, p. 103.

question, Kant deliberately undertakes the task of adducing the indicators that may inform one that one is in a position to demand universal assent from others. Since judgment of taste is about pleasure and displeasure,⁶⁷ one can realize that one is in a position to make a valid judgment and demand universal assent through one's experience of a special type of pleasure, as an effect of the harmonious play of imagination and understanding: "[N]o other consciousness of it is possible except through sensation of the effect that consists in the facilitated play of both powers of the mind (imagination and understanding), enlivened through mutual agreement."⁶⁸

It is difficult to determine the precise meaning of this passage. But it is clear that Kant is aware of the need to specify the condition in which one has a right to demand universal assent from a first-person perspective. However, Kant's account is backed by his conception of the cognitive faculties (i.e., imagination and understanding) whose harmonious play grounds a valid judgment of taste, and this claim is meaningful only in the context of Kant's transcendental philosophy. Nonetheless, Arendt is not interested in Kant's transcendental arguments, as scholars indicate,⁶⁹ and it is equally difficult to conceive how it is possible to translate Kant's description into a language which, on the one hand, is meaningful independently of the assumptions of transcendental philosophy, and on the other hand, gives us substantial guidance in the ethical context.

Moreover, it is necessary to notice that Kant does not specify the condition in such a way that all requirements (i)-(iii) are met: his general account does not yield a guiding thread which may regulate our judging process towards the satisfaction of this condition. Kant has good reason not to give a substantial account to guide our judging process, since judgment is not a practice that follows a definite rule.⁷⁰ However, in the ethical context, the absence of a guiding thread would be a serious problem, since our ethical investigation is oriented towards the expectation that we may have a better understanding about *how* to judge. And in the ethical context, a substantial

⁶⁷ E.g., *ibid.*, 5:203-5:204, p. 89.

⁶⁸ *Ibid.*, 5:219, p. 104.

⁶⁹ See Andrew Norris, "Arendt, Kant, and the Politics of Common Sense", *Polity*, vol. 29, no. 2 (Winter 1996), pp. 180-190; and Matthew C. Weidenfeld, "Visions of Judgment: Arendt, Kant, and Misreading of Judgment", *Political Research Quarterly*, vol. 66, no. 2 (June 2012), pp. 254-266; Robert Dostal also notices that Arendt de-transcendentalizes Kant's theory, see Robert J. Dostal, "Judging Human Action: Arendt's Appropriation of Kant", *The Review of Metaphysics*, vol. 37, no. 4, (June 1984), pp. 725-755, esp. pp. 740-742.

⁷⁰ It is interesting to note that in § 60 of *Critique of the Power of Judgment* Kant does not give a substantial account for "the methodology of taste", which he would do according to his general practice if the subject matter of judgment of taste were not so unique. See Kant, *Critique of the Power of Judgment*, 5: 354-5: 356, pp. 228-230.

account that guides the judging process is not incompatible with the particularist commitment, and they can hang together as long as we resist the temptation to specify the rules which prescribes what to do without reference to the peculiarities of each situation.

Now we are in a position where neither Arendt's explicit arguments nor Kant's theory could give us adequate guidance, and any further attempt can be at best labeled as an Arendtian enterprise, instead of being a reconstruction of Arendt's own thought. However, it does not mean that Arendt would be at a loss if she were asked to clarify her position. Until now, I have deliberately left the role of the perspective of the *vita contemplativa* unexamined. However, for Arendt the notion of impartiality is explained with reference to the perspective of the *vita contemplativa*:

“The data underlying this estimate are, first, that only the spectator occupies a position that enables him to see the whole; the actor, because he is part of the play, must enact his part – he is partial by definition. The spectator is impartial by definition – no part is assigned to him. Hence, withdrawn from direct involvement to the standpoint outside the game is a condition *sine qua non* for judgment.”⁷¹

Arendt makes a conceptual linkage between impartiality and the view from the perspective of the *vita contemplativa*, and between partiality and the view from the perspective of the *vita activa*. But this connection by itself does not bring us any farther in understanding the role of the perspective of the *vita contemplativa* in its relation to the normative function of judgment, since this connection is not tenable without appropriate interpretation. There are two ambiguities that resist any direct acceptance of this connection. On the one hand, what is the precise meaning of partiality and impartiality with reference to which Arendt makes this connection? On the other hand, how is it possible to understand the normative function of judgment when the perspective of the *vita contemplativa*, as the presupposition of judgment, is adopted by someone detached from actions? In the remainder of this section, I will respond to these two questions respectively and

⁷¹ Arendt, *Lectures*, p. 55. Also, *ibid.*, pp. 68-69.

show why the perspective of the *vita contemplativa* is intrinsic to Arendt's project to study the normative function of mental faculties.

By the claim that the actors are always partial, Arendt seems to convey a cynical view according to which the role to play and the stake to lose, at least partially, distort the agent's ethical insight. And we are tempted to suppose that partiality is understood as the predisposition to prioritize one's ordinary inclinations or interest. However, the way Arendt thematizes the question makes this reading impossible. In *Lectures*, Arendt illustrates the distinction between the *vita activa* and the *vita contemplativa* with Kant's own experience in the French Revolution, which reveals "a clash between the principle according to which you should act and the principle according to which you judge".⁷² Kant argues that the universal sympathy with French Revolution is an indicator of human moral progress;⁷³ he also admits that the French Revolution is "a phenomenon of the evolution of a constitution in accordance with *natural right*".⁷⁴ But on the other hand, Kant has no intention of assisting the French Revolution,⁷⁵ neither does he ever consider revolution as a legitimate action permitted by the principle of right.⁷⁶ If we translate Kant's ambiguous experience into Arendt's language, we may say that Kant would side with the monarch when he adopts the perspective of the *vita activa*; but he will be sympathetic with the revolution when he identifies himself as a world citizen and exercises his judgment in his *vita contemplativa*.

Now we are able to see why it is odd if we directly associate partiality with the perspective of the *vita activa*. Kant's maxim that one ought not to participate in a revolution is directly prescribed by the principle of right, which is embedded in his moral philosophy. However, this maxim to act is neither prescribed by any private inclination, nor required by any official role that Kant's has to play. By contrast, a maxim in accordance with the principle of right is an impartial maxim in the sense that one's ordinary inclinations and interests are disregarded when one adopts this maxim. Therefore, Kant does not act partially if partiality is understood as prioritizing one's inclinations or interest, when he adopts the maxim to act that one ought not to participate in a revolution. The

⁷² Ibid., p. 48. See also pp. 45-48.

⁷³ Kant, *The Conflict of the Faculties*, 7: 85-7: 87, pp. 301-303.

⁷⁴ Ibid., 7: 77-78, pp. 303-304.

⁷⁵ Ibid., 7: 86-87, p. 303.

⁷⁶ See Kant, *Toward Perpetual Peace*, 8: 382, p. 348.

linkage between partiality and the perspective of the *vita activa* can be justified only when some alternative interpretation is supplied.

Unfortunately, Arendt does little to clarify the conceptual connection and we have to speculate what partiality and impartiality really consist in. I suppose that in order to evaluate Arendt's stance in its full force, we have to reflect whether by partiality that inheres in the *vita activa* Arendt has a stronger notion in mind, which is distinguished from the weaker version defined by one's predisposition to prioritize one's personal interest and inclinations. In the third section I mentioned that Kant's moral philosophy is grounded by a notion of person as a rational and autonomous being, and one's actions out of one's duties express oneself as a rational and autonomous being. In other words, an action is an occasion for one to express one's self-conception, and whether one can consistently maintain one's self-conception depends on how one acts. Therefore, partiality lies in the fact that one's conception of one's *self* is at risk when one is in a position to act.

I will illustrate this point with a sketchy account of the relation between one's self-conception and the reasons that one is able to recognize as valid. It will satisfy my purpose as long as some points supporting my claim could be made by this sketch. First, each person could possibly recognize a wide range of ethical reasons. The reasons that someone could recognize cover all those reasons that are available and valid in a minimal sense in a plural society. The threshold for minimal validity is difficult to specify, but for the sake of argument we may include the widest range of possible reasons into this category. Reasons with only minimal validity can easily contradict each other, and we do not have to exclude any pair of contradictory claims out of this category if both claims are above the threshold of minimal validity. Second, the fact that each person can possibly recognize a wide range of reasons does not mean that all the reasons are equally *normative for this person*. One person may find some reasons valid in some minimal sense without believing that it is obligatory to follow this reason in any case. For instance, one person growing up in one culture may find the normative claims in another culture valid in a minimal sense, but this person would not like to obey that claim either because that claim is at odds with the claims of one's own culture, or because this person takes that claim simply as irrelevant. Third, within this range of reasons, each person may have a special set of reasons which one conceives as

fundamental to one's self-conception. This claim is not true of all people; only an agent with minimum self-consciousness is able to, implicitly or explicitly, recognize the normative requirements that are central to one's self-conception. In addition, not all reasons that one takes to be normative for oneself are included; only a subset of these reasons is significant enough to shape one's self-conception. This set of reasons could be constituted in many ways: it could be a cultural or religious code if it is above the threshold of minimal validity, or an account of the ethical outlook that one strives for, or a systematic moral theory.⁷⁷ For instance, a person who has internalized Confucian doctrines will take one's obligation to parents to be more significant than other moral claims that might be recognized as valid; whereas one who is committed to utilitarianism might recognize optimal utility as the only binding consideration.

I will not take a stance in the debate of motivational internalism versus externalism and it satisfies the present purpose as long as the phenomenon thus described can be easily recognized in our life. To borrow the term "ground project" from Bernard Williams, I will call this set of reasons one's ground ethical project, and this project reflects one's self-conception.⁷⁸ This project is central to one's ethical life in that with a view to the accomplishment of this project an agent is able to organize one's desires and activities, and give meaning to one's life as a whole. This project and self-conception can be explicitly confessed, but it can also be implicit in one's consciousness. It can be a fixed conception, but it can also be a picture with a blurred boundary. But this set of reasons have some distinct features. (a) One person cannot admit too many contradictory claims within this set. One person can hardly be satisfied unless one is able to adjust one's ground ethical project in such a way that the reasons taken to be fundamental to one's self-conception are not in constant conflict. (b) Reasons in one's ground ethical project should be motivating: one would be regarded as a hypocrite if one explicitly confesses that a reason is fundamental to one's self-conception without being motivated in such a way that in normal cases

⁷⁷ There are also limiting cases in which one recognizes a couple of reasons as especially significant, but these reasons are chosen randomly without sharing some common feature or constituting a recognizable unity. In this paper I will leave this case aside and discuss only the normal cases.

⁷⁸ Bernard Williams uses the term "categorical desire" or "ground project" referring to the desires or projects which propel one person to the future and give a meaning to one's life. Williams' ground project also includes those projects which are not directly ethical. But here I emphasize the ethical requirements that one take as fundamental to her life. See Bernard Williams, "Persons, Character, and Morality", in *Moral Luck: Philosophical Papers 1973-1980* (Cambridge University Press, 1981), pp. 1-19.

one is able to perform the actions in accordance with the requirements of the project.

(c) The most important feature: sometimes by executing an action that is at odds with one's ground ethical project, one has to compromise one's self-conception. The structure of one's ground ethical project is not something that one never deliberately changes; and also, one may occasionally transgress one's ground ethical project for various reasons without serious consequences.⁷⁹ But in some cases deliberate transgression of one's ground ethical project may be so consequential that one's ethical outlook might be fundamentally changed: either the possibility of pursuing one's previous self-conception is no longer there (if one fails to save the life of a family member, whose existence is included in the ground ethical project, one can no longer pursue the same ground ethical project simply because the death of that member deprives one of the chance to pursue that project), or one might find difficulty in supposing that the ground ethical project is still kept intact (a committed pacifist might be depressed after doing violence to others for some reason).

But is the challenge of one's ground ethical project something undesirable or negative? Not necessarily. Challenge of one's ground ethical project can be an occasion for reflection, adaptation, and ethical progress. If a committed revolutionary is astonished by the cruelty that she gives rise to when she executes revolutionary ideology and therefore, becomes suspicious of the previous revolutionary cause, this challenge should be welcome. But it is necessary to note that

⁷⁹ After serious consideration one might find that the requirements of one's ground ethical project do not give the best answer to a specific practical question. And therefore, this agent might either adjust one's ground ethical project, or one might undertake an occasional transgression without being forced to concede that one's ethical ground project is wrong. For instance, a committed revolutionary might in some case discover that she is giving rise to cruelty when she executes the revolutionary ideology. She might be impelled to reconsider her ground ethical project by the recognition that cruelty should be avoided. But it might be questioned how it is possible for an agent to suppose that one's ground ethical project should be challenged in a specific scenario, when the reasons within one's ground ethical project are those that are motivating in normal cases. Let us suppose that an agent will normally act in accordance with a reason X, but in a specific scenario an agent discover that a reason Y is more significant than X. But does this consideration entail that Y is already within one's ground ethical project? If that is the case, the ground ethical project seems not challenged at all: since Y is also within one's ground ethical project, then this agent is simply acting in accordance with one's ground ethical project. This question can be answered in this way. (a) There are cases in which both X and Y are within one's ground ethical project, but one's commitment to X is explicit, whereas the commitment to Y is implicit. Therefore, in normal cases X and Y are not in contradiction, and the agent is not forced to prioritize these reasons and articulate one's self-conception in a more explicit manner. Therefore, the ground ethical project is not challenged in the sense that no new component is included; but the ground ethical project is challenged in the sense that one is forced to, in this scenario, find a way to explicitly articulate one's ground ethical project and justify one's choice accordingly. (b) There are also cases in which Y is not previously included in one's ethical project. But a reason not included in one's ground ethical project can also be motivating. As I have mentioned, there are also reasons outside one's ground ethical project which an agent might as well recognize as valid in a sense, and we might suppose Y is among this group. But in a specific scenario one might discover that Y is so compelling a consideration that one has to reconsider one's ground ethical project to accommodate Y. This time one's ground ethical project is challenged in the sense that a new component is included.

the failure to sustain one's ground ethical project is always painful, and it gives rise to a *prima facie* reason to take interest in the integrity of one's self-conception. The breakdown of one's self-conception is painful not only because it gives rise to psychological uneasiness, but also because in the absence of an intact ground ethical project one might find difficulty in organizing one's desires and activities, and giving meaning to one's subsequent activities again (if there does not emerge a new self-conception shortly afterwards).

If we accept this sketchy account, we may have a better view about the partiality that inheres in the perspective of the *vita activa*: whenever someone is directly involved in an action, one's ground ethical project and self-conception are at risk. Since a significant ethical choice is an occasion to express one's self-conception, and since whether one can consistently maintain a self-conception depends on this action, one is motivated to care about this self-conception, which constitutes a special kind of partiality that inheres in actions. This interest in one's self-conception cannot be understood as any ordinary inclination, since the motivational force of ordinary inclinations presupposes one's self-conception. Interest in one's self-conception is such an interest that it directly shapes one's motivational structure: ordinary inclinations are not able to determine one's will unless they are backed up by a specific self-conception, or, unless they are not excluded by one's interest in this self-conception.

But this special interest in one's self-conception will not cause such great trouble when one is not in a position to execute an action. When one is in a position to evaluate a course of action without the necessity of participating in the action, one is not burdened by the stress the one who acts has to bear. Of course, one may be stressed for various reasons.⁸⁰ For instance, in some cases, one might be subject to the necessity of announcing one's opinion publicly and one might therefore take the occasion to express one's opinion also as an occasion of public action, in which case one cannot make a speech contrary to one's ground ethical project without also compromising one self-conception. (Sometimes politicians' public speeches are of this kind.)⁸¹

⁸⁰ Quite common is the case where someone submits oneself to the principle of consistency in accordance with which one's evaluation without direct involvement in activities should equally be consistent with the choice that one would hypothetically make if one were to act. In this case, one's thought is dominated by one's ground ethical project and a strong conviction of consistency.

⁸¹ There are limiting cases in which a "political chameleon" is able to adjust herself to any situation but still maintain a semblance of consistency, by self-justifying speeches and devices of self-deception. It might be questioned whether this kind of personality has ground ethical project. For the sake of argument, we may leave

But the fact that someone is not in a position to act will significantly relieve one's of the burden to be consistent with one's ground ethical project. Actions always expose an agent to heavier burden: what is thought can be subject to review, but what is done cannot be undone.⁸²

If someone is under the pressure to act, one is more likely to prioritize the reasons inside one's ground ethical project, since how one acts determines whether one can still pursue one's project, and since the project is that by which an agent organizes the desires and activities, and gives a meaning to one's life as a whole. Therefore, one is more likely to start one's deliberative process with the reasons in one's ground ethical project and figure out whether a certain course of action is compatible with this project, though specific scenarios, in which reasons outside one's ground ethical project are compelling, might force the agent to reconsider the project. But if one is not in a position to act, and if one is relieved of the burden of being consistent with the ground ethical project, one is not subject to the temptation of prioritizing the reasons within one's project. Therefore, one is free to view an action with reference to a wider range of possible reasons. Though it is still not possible for this person to take all the reasons (above the threshold of minimal validity) seriously – since it is still the case that not all reasons are equally normative for this person – at least a more impartial view is now available. This person is able to move back and forth between different reasons (above the threshold of minimal validity), see the action in different lights and compare different justifications. Moreover, one also enjoys greater liberty in making a judgment contrary to one's own moral conviction, since by so doing one does not have to compromise one's own self-conception. In other words, this person is now free to view the action *from the outside* of one's ground ethical project, instead of only *from the inside* of one's ground ethical project.

In sum, we now discover a special kind of normativity warranted by the fact that one is not in a position to act: this person enjoys the liberty to view from the outside of one's ground ethical project. This is the normativity peculiar to judgment, which is exercised by a spectator detached from activity, as Arendt describes it.⁸³ We are also able to give substance to the notion of

these cases aside and focus on the normal cases.

⁸² There might be several ways of relieving the burden of actions, such as forgiving and promising, as Arendt mentions in *The Human Conditions*. See Arendt, *The Human Conditions*, pp. 236-247.

⁸³ In this new light, we may speculate that Kant's odd experience can be also explained accordingly. We may say that Kant's moral philosophy can also be taken to be a ground ethical project, and we may suppose that Kant views

impartiality with reference to view from the outside of one's ground ethical project, and this may also help us answer the question left unresolved in the last section. There I argued that Arendt's theory cannot be adequate unless the condition in which one has a right to demand universal assent is specified. Now we can specify this condition with reference to the distinction between the view from the outside and the view from the inside: one is in a position to demand universal assent when one steps beyond one's view from the inside of one's ground ethical project and examines the value of an action from the outside with reference to a wider range of reasons. Now when someone steps beyond one's ground ethical project, this person is striving towards a position in which one action can be viewed with reference to all reasons in a plural society above the threshold of minimal validity. This ideal position is one that could be attained when one abstracts away from all the personal convictions, and it is reasonable to suppose that people will make similar judgments if they attain this position. This ideal position is, to be sure, nowhere attainable: it is only a regulative idea. But this regulative idea prescribes that one person, as a spectator, should listen to the inner dialogue between one's ground ethical project and those reasons outside one's project, which, however, might equally be justified. What is obtained after this process is a position that lies between a position from nowhere, which enables one to treat all reasons equally fairly,⁸⁴ and a position characterized by the view only from the inside, which falls short of communicability and impartiality. However, as long as one strives to occupy this middle position, one already has a right to demand universal assent from others.

This specification also meets the requirements (i)-(iii): (i) since this specification is at the same time a normative description of what the judging process should be like, it is at the same time a guiding thread that regulates our judging process; (ii) since this specification is a description of what the judging process should be like, someone is able to decide whether one has met this condition by reflecting whether one has taken all the necessary steps of the judging

himself as such an agent insofar as he is committed to his philosophy. If Kant were asked whether he would participate in a revolution, he would say no. He would start his deliberative process with his self-conception as a rational and autonomous being, and he would refuse to participate when he realizes that he will betray himself as a rational and autonomous being if he acts in this way. But if Kant were asked whether he would judge empathetically with regard to a revolution that will ultimately lead to a constitution in accordance with the principle of right, he might say yes. Since in this case he is not in a position to act, he is able to be free from the rigorous restraints imposed by the system of obligation and enjoys greater liberty to view the revolution with reference to different reasons from different perspectives.

⁸⁴ One might prejudice against the reasons outside one's ground ethical project since the fact that they fall outside one's ground ethical project still has a hold on this person.

process – therefore, this is a criterion accessible from the first-personal perspective; (iii) this specification is made without explicit reference to communication, but only the reasons that are appealed to in the judgment-formation process. If this perspective of the *vita contemplativa* is taken seriously, Arendt’s theory could be completed. And that is why the perspective of the *vita contemplativa* is intrinsic to Arendt’s project to study the normative function of mental faculties: Arendt is able to give substance to her notion of impartiality as a precondition of judgment only if she makes reference to this perspective which warrants a special kind of normativity.

Nonetheless, though this might be a possible interpretation of the perspective of the *vita contemplativa* and its relation to the normative function of judgment, we are still not able to ascertain that this account is successful unless we address another question: how is it possible for someone who is in a position to act to internalize this impartial view? In this section, I start with the assumption that the *vita contemplativa* is a perspective that is enjoyed by a spectator who is not directly involved in the action. However, if impartiality is only warranted by a position detached from actions, how is it possible for this notion of judgment to guide our action? Is it not the case that as long as someone begins to act, one has to give up one’s view from the outside and instead prioritize the reasons inside one’s ground ethical project again? The difficulty is twofold. On the one hand, it is necessary to account for the possibility that one’s impartial judging process intervenes in one’s action. While on the other hand, it is necessary to describe the role of judgment in such a way that judgment is still conceived as exercised in detachment so that the special normativity warranted by the *vita contemplativa* could be kept intact.

Arendt explicitly argues that through the faculty of judgment we could actualize our conception of right and wrong in the world,⁸⁵ but at the same time, she refuses to claim that judgment is directly involved in action and the deliberative process which precedes the action. By contrast, judgment is a faculty that is oriented to the past stories which expresses itself as “afterthoughts”.⁸⁶ However, though judgment cannot be confused with the deliberative faculty, this does not preclude the possibility that judgment intervenes in one’s actions *indirectly*.

⁸⁵ Arendt, *Thinking*, p. 193.

⁸⁶ E.g., *ibid.*, p. 213, and Arendt, *Lectures*, p. 69. See also Bernstein, “Judging – The Actor and the Spectator”, p. 234.

I will propose some possibilities which may meet the requirements. The first possibility is not quite promising. Arendt may suppose that those who participate in action have to take the judgment of other spectators into account as long as there are *other people* exercising judgment and scrutinizing the behavior of the actors. It means that judgment intervenes in one's action through social pressure that comes from outside, i.e., from the judgment of others. This possibility holds fast to the distinction between the *vita activa* and the *vita contemplativa*: an actor cannot at the same time be a spectator, and this conception denies the possibility of self-adjustment. I do not suppose that this is an apt response since it implicitly admits that judgment is exercised only in the appraisal oriented to the others without implications for one's own reflective adjustment. However, psychologically speaking, this assumption is difficult to maintain.

The second possibility is that by exercising judgment on the past stories (i.e., by studying history and literature) one is able to have a better insight into different values. Therefore, one is able to adjust one's ground ethical project with reference to this new insight. This new insight gives rise to the occasion of self-criticism and self-adjustment: one who reflects on the past stories might adapt one's ethical project before the occasion to act really occurs.⁸⁷ Therefore, one does not fall back to a view only from the inside when one acts, since one's view from the inside has been significantly adjusted in accordance with one's view from the outside before one acts. Moreover, since this kind of reflection is conducted when one is not under the necessity to act, one is under less pressure to be guided by a perspective alien to one's ground ethical project. By undertaking serious reflection and re-habitation, we are able to build up an evolved self-conception and deal with the incidents in the future in a way which harmonizes different claims and perspectives. We may expect that ideally one's view from the outside of one's ground ethical

⁸⁷ There is one curious paradox that lies in this kind of leaning process that is conducted without direct involvement in actions. On the one hand, the fact that one is not under the necessity of acting relieves the burden to adjust one's self-conception. Since the spectator is not under the necessity of acting, this spectator could be more willing to acknowledge the validity of some reasons outside one's ground ethical project and adjust the ground ethical project accordingly. However, on the other hand, the fact that one is not under the necessity of acting also hinders the spectator from realizing what the situation really means. Detachment sometimes also involves a kind of abstraction: without direct perception of the situation, one is not able to appreciate those reasons that are compelling in this situation but outside one's ground ethical project in their full force, and consequently, not be able to be moved by these reasons. If a committed revolutionary merely reflects upon the cruelty that accompanies the execution of a revolutionary ideology by reading the history of Jacobin's Reign of Terror, she might still not be able to see how horrible that was. Therefore, on the one hand, the spectator is more willing to adjust the ground ethical project when the spectator is not involved in actions; on the other hand, the spectator might be unable to understand why adaptation is necessary due to detachment.

project and the view from the inside of the ground ethical project hang together after continuous reflection and self-criticism.⁸⁸

I suppose that there is another interesting possibility, though this option is at odds with Arendt's assertion that judgment is passed on what happened in the past. However, if we do not take this claim too literally, we may suppose that there could be a more intimate mode of interaction between the deliberative faculty and the judging faculty. We may suppose that the judging faculty is exercised when the deliberative faculty comes to a halt and when its practical conclusion is submitted to judgment's review. Understood in this way, judgment is not a mental process by which someone works out what to do, but a reflective review over the answer which has been proposed. In the deliberative process, one who is motivated to prioritize one's ground ethical project and deliberate in accordance with the reasons inside the project. However, now this person can hypothetically suppose that the necessity of acting were no longer there, and then reflect what the course of action proposed by the deliberative faculty looks like if it is viewed from the outside of one's ground ethical project. This possibility is distinguished from the second possibility mentioned above, because now the person is required to act when a more harmonious self-conception has not been adopted; and because the judgment is immediately directed to one's own practical conclusion that is arrived at on the spot, not to the past stories. In the absence of a more harmonious self-conception, this person is less likely to decide on a course of action that accords with both the view from the inside and the view from the outside; it is more likely that the view from the inside and the view from the outside will contradict with each other. We do not know what will happen if one experiences a clash between the maxim to act and the maxim to judge. One might stick to the practical conclusion proposed by the deliberative faculty since one cannot risk one's self-conception. One might also deliberate all over again and attempt to find an answer that could be endorsed by the judging faculty. Or one might discover that one's ground ethical project is so defective that one adjusts one's self-conception. But in whichever case, we would not think that this clash, though a painful and stressful one, is not desirable. For this clash is also an occasion for reflection and self-understanding. This might be true of a young revolutionary

⁸⁸ This idea is inspired by Williams' interpretation of Aristotle. See Bernard Williams, *Ethics and the Limits of Philosophy* (Routledge, 2011), pp. 34-59.

who, out of inexperience and proclivity to passionate responses that are characteristic of young people,⁸⁹ is committed to the revolutionary cause and has not seriously reflected the ideology; but at the same time, this revolutionary might also be sensitive to the claims outside the comprehensive ideology out of good education or soft-heartedness, though these claims are normative for her only implicitly. Now we might suppose that this revolutionary is asked to execute an order, and she follows the order since this accords with her ground ethical project; whereas when she is about to execute the order, she is terrified by the cruelty that she will give rise to, and she disapproves her decision to execute the order when she reflects upon the proposed decision in the light of her awareness that cruelty should be avoided. She finds difficulty in deciding what to do: she does not hold a harmonious view in accordance with which she is able to decide which course of action is more justifiable. She might change her ground ethical project on account of this new awareness, but she might still stick to her previous view. However, in any case, when she reflects on the proposed decision and begins to disapprove that course of action, she is able to bring her commitment to alien values (in this case, the value of life and the prescription that cruelty should be avoided) into explicit awareness, and this might be an occasion for ethical progression if she is motivated to take seriously the conflict and tries to find a more harmonious view.

⁸⁹ In Aristotle's language, this is a type of *akrasia*. See Aristotle, *Aristotelis Ethica Nicomachea*, ed. I. Bywater (Oxford University Press, 1894), 1149a21-1150a8.

V. Conclusion

In this paper I revisit a perplexing problem that confuses the scholars on Arendt's theory of judgment: what is the relationship between the normative function of judgment and the perspective of the *vita contemplativa*. I propose that this combination is not an arbitrary one, since the internal logic of Arendt's thought encourages Arendt to conceive judgment in this way. I have shown that Arendt's quest for intersubjectivity needs to be completed by a robust criterion to tell the justified right from pretended right to demand universal assent. Therefore, she has to find a perspective with reference to which this condition could be specified. Now the perspective of the *vita contemplativa* plays this role. On the one hand, the perspective of *vita contemplativa* warrants a special kind of normativity in virtue of the fact that when someone views a course of action without the necessity to act, one is able to view this course of action from the outside of one's ground ethical project. On the other hand, judgment is practically relevant without its status as a mode of the *vita contemplativa* being compromised when it is understood as a faculty that intervenes in our action *indirectly*.

But how does Arendt's theory of judgment contribute to our understanding of political ethics and normativity? What distinguishes an Arendtian approach from other Kantian variations that are based on Kant's moral philosophy? To conclude this paper, I will make several tentative remarks on this question. To begin with, by moving away from Kant's moral philosophy, Arendt is able to develop a theory of intersubjectivity but, at the same time, dissociate the question of intersubjectivity from the question of obligation and mutual accountability, or, "what we owe to each other", which becomes a prominent question in Kantian constructivism and the contractual variations of Kantian moral philosophy. Arendt is never interested in the question of obligation. When Arendt talks about ethical choice, she prefers to use Achilles' courage as an example,⁹⁰ which has more to do with virtue than with obligation. Therefore, by focusing on the question of judgment, Arendt is able to develop a theory of intersubjectivity free from the conceptual restraints in Kant's moral philosophy *per se*. In Williams' language, Arendt is interested in ethics, not in morality.⁹¹

⁹⁰ Arendt, *Lectures*, p. 77 and p. 84.

⁹¹ Williams, *Ethics and the Limits of Philosophy*, p. 6.

Second, as I have mentioned, Arendt is not interested in a notion of intersubjectivity according to which the *nature* of reasons is interpreted as intersubjective, a view which a Fichtean-Hegelian notion of reason is committed to. By contrast, Arendt is more interested in the function of a mental faculty, by means of which we are able to arrive at a judgment about right and wrong, however the nature of reasons is understood. Therefore, what an Arendtian thesis, by teasing out the connection between the normative function of judgment and the perspective of the *vita contemplativa*, might contribute to the debate is an account with phenomenological richness about *how* to make a judgment.

However, when it comes to the question about how to make a judgment, we are accustomed to basing the validity of judgment either on actual communication and agreement, or on a hypothetical agreement which can be determined in a monological thinking process behind the veil of ignorance. The Arendtian thesis offers a third alternative: we are neither obliged to take actual agreement as the sole criterion nor forced to be satisfied with a notion of person who deliberates in loneliness. The Arendtian variation defended in this paper is an account that accommodates both autonomous thinking and multiple perspectives.

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